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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,830	01/05/2004	Kei Yasuda	2003_1926A	4067

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EXAMINER	
MONIKANG, GEORGE C	

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
09/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/750,830	YASUDA ET AL.	
	Examiner	Art Unit	
	GEORGE MONIKANG	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-42* is/are pending in the application.

4a) Of the above claim(s) *36 and 38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-35,37 and 39-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/750,830.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33-35, 37 & 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis et al, US Patent 6650894 B1.

Re Claim 33, Berstis et al discloses a control server for controlling a first apparatus and a second apparatus, both of the first apparatus and the second apparatus providing sound output (*col. 6, lines 8-20: parent's electronic device and child's electronic device*), said control server comprising: a communication unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device*) (i) that a level of sound output of the first apparatus has changed, and (ii) the level of sound output of the first apparatus (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device, such that when the volume of the child's device passes a particular sound level set by a user (col. 5 ,lines 33-40) and when the child's electronic device is within a distance of the parent's electronic device set by user, the volume of the child's electronic device is lowered or turned off. Though this section only reduces the volume of the child electronic device based on the distance, Berstis system does enable multiple conditions to be set where the volume control could be achieved by monitoring whether the volume of the child's electronic device has passed a certain volume level and whether the child's electronic device is within a certain distance (col. 5, lines 41-*

52; col. 5, lines 33-40)); and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of sound output of the second apparatus or turn off the second apparatus, according to the level of sound output of the first apparatus and a distance between the first apparatus and the second apparatus (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device, such that when the volume of the child's device passes a particular sound level set by a user (col. 5 ,lines 33-40) and when the child's electronic device is within a distance of the parent's electronic device set by user, the volume of the child's electronic device is lowered or turned off. Though this section only reduces the volume of the child electronic device based on the distance, Berstis system does enable multiple conditions to be set where the volume control could be achieved by monitoring whether the volume of the child's electronic device has passed a certain volume level and whether the child's electronic device is within a certain distance (col. 5, lines 41-52; col. 5, lines 33-40)*), and (ii) change the level of sound output of the second apparatus or turn off the second apparatus when said operating unit determines to change the level of sound output of the second installed apparatus or turn off the second apparatus, wherein the operating unit determines to change the level of sound output of the second apparatus or turn off the second apparatus when (i) the level of sound output of the first apparatus is above a first predetermined threshold and (ii) the distance between the first apparatus and the second apparatus is below a

second predetermined threshold (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device, such that when the volume of the child's device passes a particular sound level set by a user (col. 5 ,lines 33-40) and when the child's electronic device is within a distance of the parent's electronic device set by user, the volume of the child's electronic device is lowered or turned off. Though this section only reduces the volume of the child electronic device based on the distance, Berstis system does enable multiple conditions to be set where the volume control could be achieved by monitoring whether the volume of the child's electronic device has passed a certain volume level and whether the child's electronic device is within a certain distance (col. 5, lines 41-52; col. 5, lines 33-40)*)

Re Claim 34, Berstis et al discloses the control server according to claim 33, wherein said control server further includes a location related information acquiring section operable to acquire location related information which indicates the distance between the first apparatus and the second apparatus (*col. 6, lines 22-27*).

Claim 35 has been analyzed and rejected according to claim 33.

Re Claim 37, Berstis et al discloses a control server for controlling a first apparatus and a second apparatus, both of the first apparatus and the second apparatus providing sound output (*col. 6, lines 8-20: parent's electronic device and child's electronic device*), said control server comprising: a communication

unit configured to receive, from the first apparatus, a notification signal, the notification signal including information indicating that a state of power of the first apparatus has changed (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device*); and an operating unit configured to (i) determine, upon the communication unit receiving the notification signal from the first apparatus, whether or not to change a level of sound output of the second apparatus or turn on the second apparatus, according to the state of power of the first apparatus and a distance between the first apparatus and the second apparatus (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device, such that when the volume of the child's device passes a particular sound level set by a user (col. 5 ,lines 33-40) and when the child's electronic device is within a distance of the parent's electronic device set by user, the volume of the child's electronic device could be increased (col. 19, lines 18-21: volume of a device is increased when within a distance of another device). Though this section only reduces the volume of the child electronic device based on the distance, Berstis system does enable multiple conditions to be set (col. 5, lines 41-52)*), and (ii) change the level of sound output of the second apparatus or turn on the second apparatus when said operating unit determines to change the level of sound output of the second apparatus or turn on the second apparatus, wherein said-server operating unit increases the level of sound output of the second installed apparatus or turns on the second installed apparatus

when (i) the information included in the notification signal or that the first apparatus has turned off, and (ii) the distance between the first apparatus and the second apparatus is below a predetermined threshold (*col. 6, lines 8-20: the sound output from the parents electronic device is sent via a transceiver through a communication network to control the child's electronic device, such that when the volume of the child's device passes a particular sound level set by a user (col. 5 ,lines 33-40) and when the child's electronic device is within a distance of the parent's electronic device set by user, the volume of the child's electronic device could be increased (col. 19, lines 18-21: volume of a device is increased when within a distance of another device). Though this section only reduces the volume of the child electronic device based on the distance, Berstis system does enable multiple conditions to be set (col. 5, lines 41-52)*).

Re Claim 39, Berstis et al discloses the control server according to claim 35, wherein said control server further includes a location related information acquiring section operable to acquire location related information which indicates the distance between the first apparatus and the second apparatus (*col. 6, lines 22-27*).

Claim 40 has been analyzed and rejected according to claim 39.

Claim 41 has been analyzed and rejected according to claim 34.

Claims 42-43 have been analyzed and rejected according to claim 39.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on 9:00-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GEORGE MONIKANG/ 9/11/2010
Examiner, Art Unit 2614

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614